

FILED

FOR PUBLICATION

OCT 28 2013

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

**RAFAEL GONZALEZ, individually
and as successor in interest to Adolph
Anthony Sanchez Gonzalez,**

Plaintiff,

and

**F.E.V., a minor, individually and as
successor in interest to Adolph Anthony
Sanchez Gonzalez, by and through her
Guardian Ad Litem David Vasquez;
ANTOINETTE SANCHEZ,
individually and as successor in interest
to Adolph Anthony Sanchez Gonzalez,**

Plaintiffs - Appellants,

v.

**CITY OF ANAHEIM; DARON
WYATT; MATTHEW ELLIS,**

Defendants - Appellees.

No. 11-56360

D.C. No. 2:10-cv-04660-PA-SH

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judge Watford did not participate in the deliberations or vote in this case.